



**The Comptroller General
of the United States**

Washington, D.C. 20548

Decision

Matter of: Fuller C. Jones, Jr. - Relocation Expenses

File: B-224660

Date: March 14, 1988

DIGEST

1. Transferred National Aeronautics and Space Administration employee was erroneously authorized use of two privately owned vehicles (POVs) in contravention of the Federal Travel Regulations, para. 2-2.3. Entitlement to travel expenses in excess of statutory and regulatory limitations cannot be predicated on erroneous advice or purported authorization in erroneous travel order. The general rule that orders may not be modified retroactively to decrease benefits refers only to competent orders and is not a bar to retroactive amendment of travel order provisions clearly in conflict with law or regulation.

2. Although regulations exclude reimbursement for a second POV as an item of household goods, once the Government Bill of Lading (GBL) method is authorized and an employee chooses to move all or part of his household goods by some other means an employee may be reimbursed his actual expenses for shipping costs, limited to the cost which the government would have incurred had all the household goods been moved on one GBL, in one lot, from one origin to one destination, by the lowest cost carrier providing the level of service required by the agency at the time the GBL method was authorized.

DECISION

Mr. Fuller C. Jones, Jr., transferred from National Aeronautics and Space Administration (NASA) Headquarters, Washington, D.C., to NASA, John F. Kennedy Space Center, Florida, under an agency travel order which erroneously authorized the use of two privately owned vehicles (POVs). A voucher in the amount of \$129.45 covering mileage for the second POV may not be certified for payment since the entitlement to travel and transportation expenses in excess of the statutory and regulatory limitations cannot be predicated on erroneous authorizations in a travel order

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issued to the employee. Although regulations exclude the automobile itself as an item of household goods, the employee may be reimbursed for actual costs incurred for personal articles moved in the car.

BACKGROUND

In requesting an advance decision on Mr. Jones' voucher, Mr. Albert C. Cleveland, an Authorized Certifying Officer with NASA, reports that Mr. Jones' travel authorization provided for the transportation of the employee and his wife in two automobiles at the rate of 15 cents per mile with a notation that separate transportation was necessary for a large tool set and electronic equipment not to be shipped with household goods. The travel authorization further provided for the "transportation of household goods and personal effects via GBL not to exceed 18,000 pounds." Among the items Mr. Jones submitted for reimbursement are expenses for mileage for two POVs, and additional reimbursement for the weight of the tool set and electronic equipment which he elected to personally transport in one of the POVs. Mr. Jones shipped 15,020 pounds on a Government Bill of Lading and is claiming reimbursement for the shipment of 2,510 pounds of household goods in his van, one of the POVs. He has provided a weight certificate showing the weight of the van loaded with the driver on board and documentation purporting to show the unloaded weight of the van. The agency claims that it only intended to authorize mileage for the use of the vehicles and not to authorize payment of any additional weight for household goods personally transported by Mr. Jones.

DISCUSSION AND CONCLUSION

The authority to reimburse travel expenses incurred by an employee making an official change of station is provided by Chapter 57 of title 5, United States Code (1982). The Federal Travel Regulations (FTR) issued by the Administrator of General Services pursuant to 5 U.S.C. § 5707 govern the official travel of Federal employees. Circumstances justifying the use of more than one POV are set forth in FTR para. 2-2.3e(1) as follows:

"(1) When authorized as advantageous to the Government. Use of no more than one privately owned automobile is authorized under this part as being advantageous to the Government in connection with permanent change of station travel except under the following special

circumstances, when use of more than one privately owned automobile may be authorized:

--(a) If there are more members of the immediate family than reasonably can be transported with luggage in one vehicle;

--(b) If because of age or physical condition special accommodations are necessary in transporting a member of the immediate family in one vehicle, and a second automobile is required for travel of other members of the immediate family;

--(c) If an employee must report to a new official station in advance of travel by members of the immediate family who delay travel for acceptable reasons such as completion of school term, sale of property, settlement of personal business affairs, disposal or shipment of household goods, and temporary unavailability of adequate housing at the new official station;

--(d) If a member of the immediate family performs unaccompanied travel between authorized points other than those for the employee's travel; or

--(e) If, in advance of the employee's reporting date, immediate family members must travel to the new official station for acceptable reasons such as to enroll children in school at the beginning of the term."

None of the above exceptions is applicable to Mr. and Mrs. Jones' official change-of-station travel. Mr. Jones and his wife traveled in separate POVs so that they might move both of their family cars to the new duty station while at the same time accommodating Mr. Jones' preference to personally transport a tool set and certain electronic equipment. Although the number of occupants of a vehicle and accompanying luggage may justify use of two privately owned vehicles under FTR para. 2-2.3e(1), the record in this case does not justify the use of a second vehicle because only two persons were authorized to travel. There is no showing that the employee and his wife together with necessary luggage could not have traveled in one vehicle. The explanation that a quantity of personal belongings were transported in one or both vehicles is not sufficient to permit payment on the basis that both vehicles were necessary for the transportation of the employee and his wife. Donald F. Daly, B-209873, July 6, 1983.

As a result, the record here supports the agency's finding that personnel officials erroneously included authorization for the use of more than one POV in connection with Mr. Jones' official change of station. Entitlement to reimbursement for travel expenses in excess of the statutory and regulatory limitations cannot be predicated on erroneous authorizations contained in travel orders issued to an employee. See for example, Dr. Frank A. Peak, 60 Comp. Gen. 71 (1980). Moreover, the general rule that travel orders may not be modified retroactively to decrease benefits after travel was performed has reference only to competent orders. It is not a mechanism by which an authorizing official may expand the scope of his authority as limited by law and regulation and it is not a bar to retroactive amendment of an order whose provisions are clearly in conflict with a law, agency regulation or instruction. Roy Simpson, B-204951, Mar. 4, 1982.

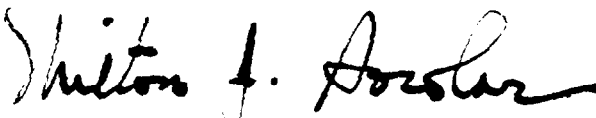
Accordingly, since the use of more than one POV was erroneously extended to Mr. Jones, payment of mileage for the second vehicle is not authorized.

Mr. Jones may be reimbursed for costs of transporting the tool set and electronic equipment as household goods in his POV only to the extent of his actual costs not to exceed a constructive cost comparison under his Government Bill of Lading. The Centralized Household Goods Traffic Management Program implemented by 41 C.F.R. § 101-40.2 for the shipment of household goods authorized under 5 U.S.C. § 5724(a) was intended to limit reimbursement to the lower cost method of transportation as determined by each agency through a cost comparison for each government-financed household goods move. Each agency must determine on a cost basis whether reimbursement for each transferring employee entitled to transportation of household goods will be provided according to the commuted rate system or whether the goods will be shipped by Government Bill of Lading (GBL) under the actual expense method further described in FTR para. 2-8.3b. In Mr. Jones' case presumably the agency determined that shipment of household goods under the GBL method resulted in a lower cost than the commuted rate system. The agency therefore prescribed the lower cost reimbursement system provided by the GBL for Mr. Jones' move under 41 C.F.R. § 101-40.206.

Under the provisions of 41 C.F.R. § 101-40.203-2(b) and (d), once the GBL method is authorized and an employee chooses to move all or part of his/her household goods by some other means the Government's financial responsibility toward the

employee for shipping costs is limited to the cost which the Government would have incurred had all the household goods been moved on one GBL, in one lot, from one origin to one destination, by the lowest cost carrier providing the level of service required by the agency at the time the GBL method was authorized. Thus, where an employee--like Mr. Jones in this case--chooses to use a rental truck, trailer, or private conveyance to transport his household goods, the Government will reimburse the employee his actual expenses (e.g., vehicle rental fee, materials, fuel, toll charges, etc.) not to exceed the maximum amount payable under the GBL. See Timothy Shaffer, B-223607, Dec. 24, 1986.

Accordingly, Mr. Jones may be reimbursed his actual expenses of moving the household goods if he presents evidence of these expenses as required by the regulations, not to exceed the GBL cost of shipping 2,510 pounds if he had shipped this amount with the rest of his household goods.


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